

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHN DOE,

Plaintiff,

-against-

OFFICER NEILSON; SERGEANT RIGGINS;
OFFICER BANKS; OFFICER GREEN;
OFFICER KESLER; SERGEANT BORK;
SERGEANT COMPATHE; OSI TONEY; OSI
BRITNEY,

Defendants.

23-CV-0714 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated February 2, 2023, the Court directed Plaintiff, within thirty days, to submit a completed application to proceed *in forma pauperis* (“IFP”) and prisoner authorization or pay the \$402.00 in fees required to file a civil action in this court.¹ That order specified that failure to comply would result in dismissal of the complaint. Plaintiff has not filed an IFP application and prisoner authorization or paid the fees.² Accordingly, the complaint is dismissed without prejudice. *See* 28 U.S.C. §§ 1914, 1915.

¹ Along with the complaint, Plaintiff filed a letter seeking permission to proceed anonymously. Because the Court could not decide Plaintiff’s motion until he either paid the fees for this action or filed an IFP application and prisoner authorization, the Court has directed the Clerk of Court to list Plaintiff as “John Doe” on the docket and to limit access to his submissions to case participants only.

² The Clerk of Court addressed all documents mailed to Plaintiff using Plaintiff’s real name and identification number. On March 14, 2023, the Court’s order was returned with a notation that Plaintiff was no longer incarcerated at Fishkill Correctional Facility. Because records maintained by the New York State Department of Corrections and Community Supervision (“DOCCS”) indicated that Plaintiff had been transferred to Green Haven Correctional Facility, the Clerk of Court remailed the order to that facility. DOCCS records currently show that Plaintiff was released from DOCCS custody on February 14, 2023. *See* <https://nysdoccslookup.doccs.ny.gov/>. Plaintiff has failed to notify the court of a change of mailing address and has not initiated any further contact with the court, written or otherwise.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Clerk of Court is directed to enter judgment in this case.

SO ORDERED.

Dated: May 9, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge